IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2950 of 2007

Raju Dinesh Gupta @ Baleshwar
Birju Gupta .. Applicant.

Vs.

The State of Maharashtra ..Respondent.

Ms Manjiri Parasni's with Alpa Zaveri Advocate
for the applicant.

Ms M. H. Mhatre, APP for the State.

CORAM: V.C. DAGA,J.
DATED 13.9.2007.

P.C.:-

1. Heard learned counsel for the applicant and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The applicant is arrested in C.R. No.I-110 of 2007 registered with Vartaknagar Police Station, Thane for the offence under Sections 376 (g), 342, 323, 420 read with Section 34 of the I.P.C. and Sections 3, 4, 5 and 7 of Prevention of Immoral Trafficking Act.

4. According to the learned counsel for the

applicant-accused, the prosecutrix was staying with him and his wife as they had provided shelter to her. He is wrongly arrested and he is in jail since 24th May, 2007. She, thus, prayed for grant of bail in favour of the applicant.

5. The learned APP opposed this application but could not take her submissions to the logical end. She could not point out, what was the role of the applicant in the commission of offence.

6. On perusal of the case papers, it appears that the prosecutrix was major. She works as a bar waiter and call girl. It is also seen that she use to accompany customers. She used to have sexual intercourse with the customers. The investigation is already complete. The medical report also does not indicate any sign of forcible intercourse.

7. The other co-accused Ravindra Namdev Songare, Dinesh Dattatraya Patil, Roopak Balkrishna and Bharat Pandurang Bhoir are released on bail by the learned Additional Sessions Judge, Thane in Bail Application No.

429 of 2007 on 7.4.2007.

8. In the above view of the matter, there is no point in keeping the applicant-accused in jail any further. The possibility of jumping bail is remote. Considering the nature of material available on record, I am inclined to grant bail on following terms and conditions.

(a)The applicant-accused Raju Dinesh @ Baleshwar Birju Gupta be released on bail in C.R. No.I-110 of 2007 registered with Vartaknagar Police Station, Thane for the offence under Sections 376 (g), 342, 323, 420 read with Section 34 of the I.P.C. and Sections 3, 4, 5 and 7 of Prevention of Immoral Trafficking Act on his furnishing personal bond of Rs.25,000/- with one or two sureties in the like amount.

b] The applicant shall report to the concerned Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the

trial.

c] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

9. Application is disposed of in above terms.

(V.C. DAGA,J.)